

COUNTY OF YORK

MEMORANDUM

DATE: December 8, 2000 (BOS Mtg. 01/16/01)

TO: York County Board of Supervisors

FROM: James E. Barnett, County Attorney

SUBJECT: Waterline Easement Vacation—Colony Drive

In connection with the eventual acceptance by the Virginia Department of Transportation of the right-of-way of Colony Drive for public maintenance, the County has been asked to quitclaim to the Commonwealth a 15' waterline easement which runs through a portion of the right-of-way. Colony Drive connects Kingsgate Parkway and Bypass Road near the intersections of both roads with Waller Mill Road, and is across Kingsgate Parkway from the Waller Mill Road K-Mart. Attached is a memo from Environmental and Development Services requesting that the Board authorize the execution of the deed so that Colony Drive can be taken into the State system of highways. The quitclaim deed, which utilizes a format supplied by VDOT, will convey the easement to VDOT, subject to the reserved right in the County to keep the waterline in place pursuant to a VDOT permit. Moreover, in the event that VDOT ever requires the County to relocate its waterline, such relocation will be at VDOT's cost, except that VDOT will not pay for the cost of any upgrades in the waterline if any are installed at the same time. Notwithstanding the fact that the waterline can remain within the right-of-way of Colony Drive, the County is being asked to make what amounts to a technical conveyance of its easement to the Commonwealth, necessitating a public hearing as is the case with all conveyances of County interests in real estate. Accordingly, this matter has been advertised for a public hearing.

I have attached a copy of an excerpt of the subdivision plat which created Colony Drive and which shows the location of the waterline easement.

I recommend adoption of the attached resolution authorizing execution of the appropriate quitclaim deed.

Barnett/3440:swb

Attachments

- Plat showing subject easement
- Memo from Environmental and Development Services
- Quitclaim deed
- Resolution R01-2